

Town of Framingham Planning Board Meeting December 16, 2003

In attendance are Helen Lemoine, Chairperson, Larry Marsh, Vice Chairperson, Ann Welles, Clerk, Tom Mahoney and Carol Spack. Also present is Jay Grande, Planning Administrator and Carol Pontremoli, Administrative Assistant.

Meeting was called to order at 7:35 pm

Helen explained that there is a continued public hearing to start this session and at 8:00 pm we will ask the applicant to table the discussion

I. Miscellaneous Administrative

II. Continued Public Hearing, Special Permit for OSRD, Definitive Subdivision Plan Approval, Modification to a Scenic Road, and Public Way Access Permit, Ford's Meadow, 45 Nixon Road

Paul Galvani, Attorney, and Stew Mayer, Nexum Development

Helen asked Jay to update on what is to be discussed tonight.

Doc #2089, 2091, 2092, 2094, 2097, 2098, and 2101.

Engineering and Board of Health would like to have a new set of drawings.

Larry noted a paragraph on document #2089 addressing engineering issues where the summary is saying all issues are resolved.

1016

Ed James, has two questions on the GZA letter. The slope has not been discussed. The plans talk about a 2.5 to 1 slope and they noted on a letter that water is running off on Mr. James' property. He also noted GZA was asked to see his property and decide where his lot lines are.

Ann would like to ask Peter Baril about the 1 to 1, 2.5 to 1 and 4 to 1. She also asked if he knows about the waivers.

Jay noted that Peter Baril is addressing two issues. Jay spoke with him prior to the meeting. Jay feels that Peter's forthcoming letter will address issues.

Ed James also asked about the berm.

Stew Mayer answered the pond has not moved and Stew would like to request that relative questions be put to Peter and establish the list of questions and answer that list so not to go over topics already covered.

Helen noted that the Board asked Peter to address three questions: The nitrogen loading, private well, but has not taken on the retaining wall next. Helen wants to make sure this will end the list.

Carol read GZA's letter of Oct 23, 2003.

Ed James asked if there are 24 units. Helen feels there was a notation where there was an incorrect notation of 25 units. Stew answered there are only 24 units.

1 Sue Bernstein wants to know why Peter Baril is not here tonight. She feels once
2 he has looked at the issues he should be in attendance to answer questions and
3 explain to the Board and public any issues being brought up.
4

5 Larry asked if there will be a final letter addressing the issues. Even with the
6 letters which are very technical and he would feel more comfortable with him
7 talking to the Board so the Board can have some closure.
8

9 Ann feels she is having trouble following this. Stew noted the wells are in the
10 process of final testing. Ann noted we are still waiting for information from
11 people. She also notes more departments need to respond. She wants to know if
12 there is a way to tighten up the timeline.

13 Stew was told the final plans are approximately 65% complete and at the end of
14 January they should have final complete plans at that time. Stew would like to
15 close some issues dependent on the final outcome.

16 ***Larry Marsh made a motion to table this hearing following discussion with***
17 ***Town Counsel on Doeskin II. Carol Spack seconded the motion. The vote was 5***
18 ***approve and 0 oppose.***
19

20 **III. Doeskin II Covenant Extension**

21 2103, 2102

22 Christopher Petrini, Town Counsel and Peter Barbieri, attorney.

23 Jay would like to go over the main document of the covenant.

24 Both Counsels have given a great deal of time to this covenant.

25 Peter Barbieri would like to go to the bank to sign the agreement as well. When
26 the Board signs the agreement they will go to the bank to get the funding that is
27 contingent upon agreement and then give the funding to the Town.
28

29 Helen asked the Board to make a motion.

30 ***Tom Mahoney made a motion to approve the covenant amendment as stated in***
31 ***document #2103. Larry Marsh seconded the motion. The vote was 5 approve and***
32 ***0 Oppose.***

33 Chris Petrini will notarize the document

34 ***Tom made a motion to approve agreement for Doeskin II lot Doc. 2102***

35 ***Carol Spack seconded the motion. The vote was 5 approve and 0 oppose.***

36 Brimstone Subdivision document # 2104. Peter Barbieri noted the Mr. Franchi
37 has subsequently sold the property and the new entity will be bound by the
38 documents.

39 Jay noted additions to the covenant contract. This is the final covenant that the
40 Board wanted.

41 Carol asked about #15 no working on Sunday.

42 ***Tom Mahoney made a motion to approve the covenant contract as amended.***
43 ***Larry seconded the motion. The vote was 5 approve and 0 opposed.***
44

45 ***Tom made a motion to take the table off. Larry seconded the motion. The***
46 ***vote was 5 approve and 0 oppose.***

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2
3 **IV. Continued Public Hearing, Special Permit for OSRD, Definitive**
4 **Subdivision Plan Approval, Modification to a Scenic Road, and Public**
5 **Way Access Permit, Ford's Meadow, 45 Nixon Road**

6 Ann has questions relating to the underground storage tanks and there is a
7 pipe which will have a ground stand pipe. These can be used if there is a fire
8 and the homes will have sprinkler systems.

9 Tom is concerned that the rate of pumps is slow. Stew told the Board that
10 there is a whole protocol with the rates and flows. They have someone there
11 monitoring the wells 24 hours a day who lives in a tent. Stew will get a letter
12 to Jay to regarding this information.

13 Kathy Vassar, Precinct 1, She has information from another town meeting
14 member who has found their water pressure has dropped and would like to
15 know what is being done about it. She also wants to know how many
16 bedrooms per homes. She understands that the water pressure is dependant on
17 the number of bedrooms.

18 Paul Galvani feels that determination has not been made. Some home may
19 have 2 bedrooms some may have four. They will have to base their bedroom
20 on DEP.

21 Stew would like to contact Kathy Vassar relative to the water pressure. Paul
22 feels they are getting into areas that are very technical and feels this is out of
23 their league. They hoped to make some progress but feel they keep coming
24 back to the same issues.

25 Carol asked about the limit.

26 Kathy Vassar asked about the number of bedrooms again. Carol Spack noted
27 it is a combination of water and sewer. Kathy asked for comment that John
28 Bertorelli mentioned.

29 Stew would like to know if the Board is prepared if the DEP runs their process
30 and the DEP finds it acceptable will the board abide by that decision.

31 Ann will be happy if there is a sign off on the Board of Health. She also feels
32 the Board should be able to review the wells and not doing the permitting of
33 the wells. She remembers the plan being two bedrooms for over 55 residents.
34 She felt in principal of an open space development she thought there would be
35 a definite number of bedrooms.

36 Carol wants to comment that DEP is the review agency. The planning Board
37 should cover the maintenance. She would like to get guidance on the
38 underground storage tanks.

39 Tom remembers asking to have the Fire Chief come before the Board to speak
40 on underground storage tanks.

41 Stew feels words have been put into his mouth regarding the four bedrooms.

42 Nowhere at any time did they determine the units to be four bedrooms.

43 Jay explained the quantity and quality of the water and the Board of Health
44 would have the final authority.

45 Helen asked the Board if they take exception to getting a clean letter from the
46 Board of Health.

1 Paul Galvani mentioned a letter from Brobrowski
2 Carol Spack raised the question to confirm whether or not they are working
3 with the correct information.
4 Paul felt they could not go forward with the system they are proposing with
5 the DEP.
6 Helen has asked if the Board needs to get another consultant - she doesn't feel
7 this would be necessary. Larry and Tom the letter from Mark Brobowski is
8 definitive.
9 Stew asked Gina Folier, Folier Landmark Design to step up and show a three-
10 D model.
11 She is dealing with lots 13,14 & 15 as you go up the steepest part of the hill.
12 The models are snuggled into the elevation.
13 She brought an invasive plant list that she also brought with her and no one is
14 allowed to use those plants in the landscape. The restoration for different
15 areas is subject to what is on site.
16 Stew notes the slope is the steepest slope. The garages have been built into
17 the elevation due to the garages not needing windows.
18 Gina noted she has to work the grades so that water flows away. There is
19 forty feet between each home. Stew noted there will be buffers, no cut and no
20 touch zones which will be noted in the covenants. She uses root
21 measurements to determine protective fencing locations. This is a heavily
22 wooded site and would like to keep meadow and wooded areas the same.
23 Ann wanted to know what the treatment would be going up the drive. Gina
24 said it would be tiered and stoned. Ann thinks this is very creative and gentle
25 landscaping. Very clever and good use.
26 Sue Bernstein wants to remind the Board of open space and the trees. Stew
27 noted they will self impose these on lot by lot exercise.
28 Larry asked if SVT is taking this to fund the open space. The documents have
29 not been generated as yet.
30 ***This Public Hearing will be continued to Tuesday, January 6, 2003 for an***
31 ***update where Peter Baril can review in letter form.***
32 Stew would also like to schedule January 20, 2003 for final plan. Paul would
33 like to work on the decision documents. Ann asked for a short written
34 summary for what the landscape will be.
35 Helen requested a draft decision by January 6th, 2003.
36 Helen would like to ask the Board if they willing to go ahead subject to the
37 Board of Health and DEP.
38 Carol wants to go on record until Board of Health and DEP has signed off.
39

40 **V. Public Hearing, Repetitive Petition, 248 Hollis Street**

41 Helen read into the meeting the Public Hearing Notice.
42 Paul Galvani, Attorney, Kevin Feeney, Amerada Hess Corp and Steve
43 DeCorsi, Boller Engineering
44 The sequence is the former Gibbs station on Route 126. Amerada Hess has
45 decided to revise the proposal by three fold. Change the shape of the
46 building, size of the building. The initial plan was turned down for a mini

1 mart. From the original 2500 sq foot lot they have come down to 965 sq ft
2 and is no more than two thirds. This will change the parking. The existing
3 site does not have much landscaping but the revised plans will be substantive.
4 Carol wants to know what is on the Southern side of the lot. There are houses
5 but business across the street. Carol asked if this is a 24 hour store.
6 Larry wanted to know why the ZBA denied it.
7 Paul noted the original was 25, 000 sq ft and had set back issues. It also was
8 denied for traffic. There was opposition at that time which was they would
9 hurt the convenience store business across the street.
10 If you were to compare this site to Exxon, Sunoco and other stations it will be
11 a smaller version.
12 Ann gave a little more explanation; she asked Paul if by moving the parking
13 he feels this would eliminate the traffic issues that ZBA denied them for.
14 Paul feels this is smaller and the store is not going to compete with other
15 stores. In terms of pedestrian walkers, they will be coming from both
16 directions.
17 Carol wants to read from section 5 paragraph 5 regarding repetitive partitions.
18 Jay noted that this is parroting 40A. He feels there is a material change.
19 Paul notes that most stations have several curb cuts and are on a corner, that
20 this site does not have the same problems. Larry feels in this particular case
21 this is a substantial change. He feels this should go before the ZBA.
22 Helen does not have an issue with this. She agrees there is a material change.
23 Ann feels there is substantial change. Tom agrees even if you go to the square
24 footage of the building. He feels they meet the less traffic and a lot safer the
25 way it is now. He feels it meets the three items that were concerns of the
26 ZBA.
27 ????????228 Hollis St
28 Member of fair housing committee – lived in area for 20+ years.
29 He would like to see the public safety, and feels we don't need another store
30 in the area.
31 Helen reminds the Board and Public that it will not be decided – it is to give a
32 yes or no answer as to whether this should go before the ZBA.
33 Carol wants to add a comment that the gas station would be for Use and a
34 store would be a Special permit.
35 Paul notes they could build a convenience store but to add it to a gas station
36 would require a special permit.
37 Pat Teti, 105 Pond Street
38 How could Tom come to a conclusion? He is an immediate abutter and owns
39 everything to the right. He feels change or reducing the criteria is wrong and
40 doesn't feel this has changed.
41 Helen explained that this hearing is only to decide if the site has had material
42 changes enough that the Board can allow the applicant to go before the ZBA.
43 ***Tom made a Motion to have Planning Board approve the repetitive petition***
44 ***that there is material change. Larry seconded to motion. The vote was 4***
45 ***approve to 1 oppose.***
46

1 *Tom made a motion to hear the next public hearing past 10:00 pm. Larry*
2 *seconded the motion. The vote was 5 approve and 0 oppose.*
3

4 **VI. Continued Public Hearing for Definitive Subdivision Plan Approval and**
5 **Public Way Access Permit, Brookbury, 97 Brook Street**
6 ***Continued to January 6 at 7:45 pm***
7

8 **VII. Continued Public Hearing for Special Permit for Mixed Use**
9 **Development, Kendall Building, 79-80 Concord Street**

10 In attendance were Paul Galvani and Joel Irving.

11 Jay asked the Board to read the draft decision.

12 Jay will give an overview. 2065-03, 2095-03, 2091-03

13 Jay sent a letter to Town Counsel outlining the parking situation.

14 Jay read from the town by-laws. Jay noted we do not have executed
15 instruments that he is comfortable with. The second item is how it will be
16 enforced particularly tenants are already in the building. He is looking for
17 some other document. He would like to characterize his concerns. He is in
18 favor of downtown revitalization. At this point in time, he is not comfortable
19 with this.

20 Larry asked what it will take where he will be comfortable.

21 Ann wants this defined more.

22 Larry wants to know if he is looking for a long-term lease. Joel feels that Jay
23 is muddying the waters.

24 The board is basing their thoughts on feedback from Town Counsel.

25 Paul doesn't understand why the documentation from Town Counsel marked
26 the document as "confidential". He doesn't understand why he needs a long
27 term lease before the Board has given their ok for the project.

28 Larry agrees with Town Counsel. He raised the point that in the beginning,
29 they would have a short term agreement with a back up long term lease.

30 Larry asked if he missed something.

31 Helen noted he didn't miss anything but they received comments from Town
32 Counsel.

33 Helen asked if the MOU has gone to the Selectmen. It is on their agenda for
34 Thursday evening.

35 Kathy Bartolini explained the Town can enter in to a lease and enter into an
36 agreement which will require a \$1000.00 per month rent. Helen stated that
37 Town Counsel will probably give the Selectmen the same information.

38 Larry noted that with a long term lease Joel will be able to get an occupancy
39 permit.

40 Ann feels the difficulty here with out giving up confidentiality, is it better
41 asked for an executed lease.

42 Ann feels if the Chair called Town Counsel the Board would know if the letter
43 has to be confidential.

44 Carol asked about Title Insurance – can he ask the insurance company if they
45 could insure the parking spaces.

46 Paul Galvani discussed that the owner is not going to spend a lot of money

1 before he knows he has a lease.
2 Ann wants to ask Town Counsel to take of the confidentiality.
3 Paul spoke about the timing and a simple lease. Joel has his hand tied where
4 he has to carry the building.
5 Sue Bernstein said if they tied the lease to construction then Town Counsel.
6 Ann feels the Board should table this discussion and ask Town Counsel if he
7 can share the confidentiality and would like to continue this discussion.
8 *Ann moved to hold a fourth hearing will be continued to December 23, 2003*
9 *at 7:30 pm. Larry seconded the motion. The vote was 5 approve and 0*
10 *oppose.*
11 Kathleen Bartolini wants to bring up mitigation.

12
13 **VIII. Meeting Adjournment**

14
15 *Larry made a motion to adjourn. Tom seconded the motion. The vote was 5*
16 *approve and 0 oppose.*

17
18 Meeting Adjourned at 11:30 pm

19
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21
22 Respectfully submitted,

23
24 Carol A. Pontremoli
25 Recording Secretary

26
27 ****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT**
28 **THE PLANNING BOARD MEETING OF DECEMBER 8, 2004.**

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32 _____
33 **Thomas Mahoney, Chairman**
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